

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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FIORDALIZA CRUZ,

Plaintiff,

24 **CIVIL** 0823 (JPO(VF))

-v-

**JUDGMENT**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Stipulation and Order dated August 22, 2024, that the Commissioner's decision be, and hereby is, reversed and that this action be, and hereby is, remanded to the Commissioner of Social Security, pursuant to the fourth sentence of 42 U.S.C. § 405(g), for further administrative proceedings. Upon remand from the court, the Appeals Council will consider whether it can issue a partially favorable decision using the borderline age provisions in accordance with HALLEX I-2-2-42 as of claimant's date last insured, June 30, 2014, and remand the case for a new hearing for the period prior to her date last insured. If the Appeals Council is unable to issue a partially favorable decision, the Council will direct the Administrative Law Judge to provide the claimant an opportunity for a new hearing; reevaluate the opinion evidence, and, if necessary, obtain medical expert evidence; reevaluate the claimant's residual functional capacity (RFC), including whether the claimant required the use of a cane during the period at issue; obtain supplemental vocational evidence at Step 5; address whether the claimant can be

found disabled using the borderline age provisions in accordance with HALLEX I-2-2-42 as of her date last insured; and issue a new decision.

**Dated:** New York, New York

August 22, 2024

**DANIEL ORTIZ**  
**Acting Clerk of Court**

A handwritten signature in black ink, appearing to be 'D. Ortiz', written over a horizontal line.

**BY:**

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**Deputy Clerk**